

1 ALAN R. SMITH, ESQ. #1449  
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5 Reno, Nevada 89501  
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7 Facsimile (775) 786-3066  
8 **Email: mail@asmithlaw.com**  
9 Attorney for Debtors  
10 ANTHONY THOMAS and WENDI  
11 THOMAS and AT EMERALD, LLC  
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***ELECTRONICALLY FILED***  
***August 19, 2014***

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

—ooOoo—

12 In Re:

Case No. BK-N-14-50333-BTB  
Case No. BK-N-14-50331-BTB

13 ANTHONY THOMAS and  
14 WENDI THOMAS,

Chapter 11 Cases

15 AT EMERALD, LLC,

[Jointly Administered]

**DECLARATION OF ANTHONY  
THOMAS IN SUPPORT OF  
OPPOSITION TO MOTION TO  
APPOINT CHAPTER 11 TRUSTEE**

16 Debtors.

Hearing Date: August 22, 2014  
Hearing Time: 2:00 p.m.

20  
21 I, ANTHONY THOMAS, declare under penalty of perjury as follows:

22 1. I am over the age of 18 years of age, and I am mentally competent. I am the  
23 managing member of AT Emerald, LLC.

24 2. Except as otherwise indicated, all facts set forth in this declaration are based  
25 upon my personal knowledge. If called upon to testify as to the contents of this declaration,  
26 I could and would do so.

27 3. On June 19, 2014, I on behalf of AT Emerald, LLC entered into a Purchase  
28 and Sale Agreement with the purchaser wherein the purchaser agreed to purchase the 21,000

1 carat emerald matrix (the "Emerald") for cash, payable at close of escrow.

2 4. As set forth in the Motion To Sell Assets Free And Clear Of Liens And  
3 Motion to File Purchase and Sale Agreement Under Seal [DE 83], the sale of the Emerald  
4 is for cash, and the purchase price is sufficient to pay all creditors in this case, as well as all  
5 creditors in the companion case of ANTHONY THOMAS and WENDI THOMAS, Case  
6 No. BK-N-14-50333-BTB (the "Thomas Bankruptcy Case") in full.

7 5. That I am familiar and have contact with David Clarke, the Finance Director  
8 & International Trustee for the purchaser. That Mr. Clarke has informed me that he will not  
9 work with a chapter 11 trustee, and that if a trustee is appointed that the purchaser will not  
10 continue with the sale.

11 6. That I am the best person to sell the Emerald, as a chapter 11 trustee will not  
12 be familiar with the buyers who would be interested in purchasing the Emerald, but I am  
13 familiar with buyers who would be interested in purchasing the Emerald.

14 7. That the purchaser has approved of the sale and agrees to consummate the  
15 sale. *See letter from purchaser attached hereto as Exhibit "A".*

16 8. That the purchaser has provided proof of funds to consummate the sale and  
17 its ability to perform. *See letter from purchaser attached hereto as Exhibit "A".*

18 9. That I believe the sale will close.

19 10. That on July 7, 2014, I went to the Sarasota Vault with the purchaser's  
20 representative, David Clarke, and an appraiser for the purchaser to inspect the Emerald.  
21 That on July 7, 2014, we inspected the Emerald, and the Emerald in its existing condition  
22 was approved by the purchaser's representative.

23 11 That I was in contact with John Beach during that visit to the vault, and that  
24 I have kept John Beach apprised of the sale and the events surrounding the sale. *See emails*  
25 *sent to and received from John Beach attached hereto as Exhibit "B".*

26 12. That the purchaser has informed me that it does not want anyone to go to the  
27 vault because it does not want to have to reinspect the Emerald.

28 ///


1 13. That on August 8, 2014, I understood that John Beach granted me a thirty (30)  
2 day extension to turnover the key, so that his trip to Florida and inspection of the Emerald  
3 did not disrupt the sale with the purchaser. See *Exhibit "C" attached hereto.*

4 14. That because of the thirty (30) day extension granted by John Beach I did not  
5 turnover the key because I understood he would not need the key for another 30 days.

6 15. That I never intended to violate this court's order for turnover of the key to  
7 the vault.

8 16. The August 8, 2014 letter from the purchaser to Beach was a "strictly private  
9 and confidential letter" as set forth in boldface all caps print in the heading of the letter. Mr.  
10 Beach having introduced this letter into the public record may compromise the sale and  
11 upset the purchaser.

12 DATED this 19th day of August, 2014.

13  
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15 ANTHONY THOMAS  
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# Exhibit A

[Redacted Copy]



**Attention Mr. Anthony G Thomas**  
7725 Peavine Peak CT  
Reno, Nevada, 89523, USA

7<sup>th</sup> August 2014

Dear Mr. Thomas

**Re:- Sale and Purchase of 21,000 Carat Thomas Emerald**

I write to inform you that the Chairman has been actively involved with HSBC Hong Kong Branch in freeing up [REDACTED] the agreed purchase price to complete the sale and purchase transaction as obligated by the participating parties.

I would like to reconfirm that the financial capability of the Company is entirely sufficient to complete said purchase as evidenced at our meeting held in Tampa prior to the viewing of the unique Emerald Matrix at the Sarasota Vault.

[REDACTED] holds two accounts at HSBC one holding a cash deposit of [REDACTED]

[REDACTED] besides another account holding a cash deposit of [REDACTED]

Our financial capability was demonstrated by current Bank tear sheets and Bank Confirmation and Responsibility Letters signed by two senior Bank Officers with their respective pin codes.

I am at liberty to confirm these good clean and clear funds were legally earned whilst working for various governments of the world and in addition the Company has ongoing relationships with various International Banks, Corporations, Trusts and Governments some of which have granted signatory rights to the Chairman for specific specialist undertakings.

With such a large amount of money at his disposal and to avoid inappropriate actions within the banking sector the Chairman wisely blocked the funds only to be freed up on his written instructions to the Bank thus irrevocably unlocking good, clean and clear funds for any transaction that I as the Company's Financial Director authorize and he endorses.

Please be advised that as the deposits in the two accounts were legally earned through various governments the release mechanism is somewhat different from the normal banking procedures and this operation has to be carried out under a specific format which is presently being undertaken with the release of the [REDACTED] expected at any time I do apologize for this undue delay but assure you that [REDACTED] will adhere to its commitment and complete the sale and purchase transaction as soon as the release mechanism has been completed.

Yours Sincerely

[REDACTED]

Finance Director & International Trustee

Telephone [REDACTED]

E-mail: [REDACTED]

# Exhibit B

**Roanna Bonaldi**

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**From:** Anthony Thomas <atemerald2@gmail.com>  
**Sent:** Monday, August 18, 2014 12:24 PM  
**To:** Holly Estes  
**Subject:** Fwd: Sale of the Emerald  
**Attachments:** img080.jpg

----- Forwarded message -----

From: "Anthony Thomas" <[atemerald2@gmail.com](mailto:atemerald2@gmail.com)>  
Date: Aug 8, 2014 5:58 AM  
Subject: Sale of the Emerald  
To: "John Beach" <[jbeach1161@gmail.com](mailto:jbeach1161@gmail.com)>

Hi John, here is the letter from the buyer, they do not want you to go to the vault because they don't want to reinspect the Emerald again.  
Please get back to me ASAP. I go to work at 6 am and will be back at 6 or 7 pm. There is no cell serves at the site so I will call you when I get in,  
Regards  
Tony

**Roanna Bonaldi**

---

**From:** Anthony Thomas <atemerald2@gmail.com>  
**Sent:** Monday, August 18, 2014 12:40 PM  
**To:** Holly Estes  
**Subject:** Fwd: Re: Sale of the Emerald

----- Forwarded message -----

From: "John Beach" <jbeach1161@gmail.com>  
Date: Aug 8, 2014 6:08 AM  
Subject: Re: Sale of the Emerald  
To: "Anthony Thomas" <atemerald2@gmail.com>

Tony,

Thanks for sharing the attached letter and will share with my attorney. I get get a 30 day extension.

Sent from my iPhone

> On Aug 8, 2014, at 5:58 AM, Anthony Thomas <atemerald2@gmail.com> wrote:

>

> Hi John, here is the letter from the buyer, they do not want you to go to the vault because they don't want to reinspect the Emerald again.

> Please get back to me ASAP. I go to work at 6 am and will be back at 6 or 7 pm. There is no cell serves at the site so I will call you when I get in,

> Regards

> Tony

> <img080.jpg>



**Roanna Bonaldi**

---

**From:** Anthony Thomas <atemerald2@gmail.com>  
**Sent:** Monday, August 18, 2014 12:40 PM  
**To:** Holly Estes  
**Subject:** Fwd: Re: Sale of the Emerald

----- Forwarded message -----

From: "Anthony Thomas" <atemerald2@gmail.com>  
Date: Aug 8, 2014 6:20 AM  
Subject: Re: Sale of the Emerald  
To: "John Beach" <jbeach1161@gmail.com>

Thank you

On Aug 8, 2014 6:08 AM, "John Beach" <jbeach1161@gmail.com> wrote:  
Tony,

Thanks for sharing the attached letter and will share with my attorney. I get get a 30 day extension.

Sent from my iPhone

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> Regards

> Tony

> <img080.jpg>

**Roanna Bonaldi**

---

**From:** Anthony Thomas <atemerald2@gmail.com>  
**Sent:** Monday, August 18, 2014 12:41 PM  
**To:** Holly Estes  
**Subject:** Fwd: Re: Sale of the Emerald

----- Forwarded message -----

From: "John Beach" <jbeach1161@gmail.com>  
Date: Aug 8, 2014 6:49 AM  
Subject: Re: Sale of the Emerald  
To: "Anthony Thomas" <atemerald2@gmail.com>

What do you need me to do ? When is the expected wired to occur

Sent from my iPhone

On Aug 8, 2014, at 6:20 AM, Anthony Thomas <atemerald2@gmail.com> wrote:

Thank you

On Aug 8, 2014 6:08 AM, "John Beach" <jbeach1161@gmail.com> wrote:  
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Sent from my iPhone

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> Please get back to me ASAP. I go to work at 6 am and will be back at 6 or 7 pm. There is no cell serves at the site so I will call you when I get in,

> Regards

> Tony

> <img080.jpg>

**Roanna Bonaldi**

---

**From:** Anthony Thomas <atemerald2@gmail.com>  
**Sent:** Monday, August 18, 2014 12:42 PM  
**To:** Holly Estes  
**Subject:** Fwd: Re: Sale of the Emerald

----- Forwarded message -----

From: "Anthony Thomas" <atemerald2@gmail.com>  
Date: Aug 8, 2014 9:52 PM  
Subject: Re: Sale of the Emerald  
To: "John Beach" <jbeach1161@gmail.com>

Did your attorney's contact my attorneys about the 30 day extension? I don't know when the wire is coming. I am expecting a confirmation from HSBC in writing next week. I will keep you posted. Thank you for your cooperation.

Regards  
Tony

On Aug 8, 2014 6:49 AM, "John Beach" <jbeach1161@gmail.com> wrote:

**Roanna Bonaldi**

---

**From:** Anthony Thomas <atemerald2@gmail.com>  
**Sent:** Monday, August 18, 2014 12:42 PM  
**To:** Holly Estes  
**Subject:** Fwd: Re: Sale of the Emerald

----- Forwarded message -----

From: "Anthony Thomas" <atemerald2@gmail.com>  
Date: Aug 10, 2014 5:28 PM  
Subject: Fwd: Re: Sale of the Emerald  
To: "Holly Estes" <estes@asmithlaw.com>

Hi Holly, John Beach gave me a 30 days extension attached is the correspondence.  
Regards  
Tony

----- Forwarded message -----

From: "Anthony Thomas" <atemerald2@gmail.com>  
Date: Aug 8, 2014 9:52 PM  
Subject: Re: Sale of the Emerald  
To: "John Beach" <jbeach1161@gmail.com>

Did your attorney's contact my attorneys about the 30 day extension? I don't know when the wire is coming. I am expecting a confirmation from HSBC in writing next week. I will keep you posted. Thank you for your cooperation.

Regards  
Tony

On Aug 8, 2014 6:49 AM, "John Beach" <jbeach1161@gmail.com> wrote:

**Roanna Bonaldi**

---

**From:** Anthony Thomas <atemerald2@gmail.com>  
**Sent:** Monday, August 18, 2014 12:44 PM  
**To:** Holly Estes  
**Subject:** Fwd: Re: Sale of the Emerald

----- Forwarded message -----

From: "John Beach" <jbeach1161@gmail.com>  
Date: Aug 12, 2014 10:57 AM  
Subject: Re: Sale of the Emerald  
To: "Anthony Thomas" <atemerald2@gmail.com>

---

What's the latest. ??? Is the wire coming

Sent from my iPhone

On Aug 9, 2014, at 12:52 AM, Anthony Thomas <atemerald2@gmail.com> wrote:

Did your attorney's contact my attorneys about the 30 day extension? I don't know when the wire is coming. I am expecting a confirmation from HSBC in writing next week. I will keep you posted. Thank you for your cooperation.

Regards  
Tony

On Aug 8, 2014 6:49 AM, "John Beach" <jbeach1161@gmail.com> wrote:

**Roanna Bonaldi**

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**From:** Anthony Thomas <atemerald2@gmail.com>  
**Sent:** Monday, August 18, 2014 12:44 PM  
**To:** Holly Estes  
**Subject:** Fwd: Re: Sale of the Emerald

----- Forwarded message -----

From: "Anthony Thomas" <atemerald2@gmail.com>  
Date: Aug 12, 2014 11:21 PM  
Subject: Re: Sale of the Emerald  
To: "John Beach" <jbeach1161@gmail.com>

---

Knot yet, they have a meeting at the bank today.

On Aug 12, 2014 10:57 AM, "John Beach" <jbeach1161@gmail.com> wrote:  
What's the latest. ??? Is the wire coming

Sent from my iPhone

On Aug 9, 2014, at 12:52 AM, Anthony Thomas <atemerald2@gmail.com> wrote:

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Tony

On Aug 8, 2014 6:49 AM, "John Beach" <jbeach1161@gmail.com> wrote:



# Exhibit C

**Roanna Bonaldi**

---

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